

Cohalan returned from the Democratic Convention in St. Louis in 1904 I tore the copy out of the book and handed it to him one day on a Broadway car. I told him I was afraid it might fall into the hands of somebody who would use it against him.

"Did you take the copy?" Connolly went on, "and crumpled it up in his hand?" "I have," Connolly illustrated by clenching his fist—and said to me: "I am glad you got that letter. If anybody had discovered it it would have been a case for the Grand Jury."

Mr. Stanchfield declared that he would object to any further testimony based on the alleged letter. He wanted the book produced from which Connolly had torn the copy. A letterbook, labeled "Letters from July 13, 1903, to July 10, 1904" was produced. Connolly, after looking over the book handed it back with the remark:

"I would say that this was the book from which I tore the copy. It was torn from a page in the back." "Here for a minute," he says, "the book was intact. Mr. Stanchfield made a point of this. Then by questioning Connolly he got the witness to admit he wouldn't swear the book he had identified was that which he had the copy. DEMANDS AN APOLOGY FROM STANCHFIELD."

Mr. Stanchfield and Deputy Attorney-General Kellogg got into a sharp argument. Connolly demanded that Mr. Stanchfield apologize for making a statement to the effect that Connolly had torn the letterbook from which Connolly had torn a page from.

"I apologize if I'm in error," said the lawyer, sharply.

Connolly's answer that he "would not" that was the particular book was read. Mr. Stanchfield insisted that this was an affirmative answer. Finally the matter was dropped on the condition that Connolly state that the letter in question offered Cohalan 55 per cent. of the profit on city jobs. Mr. Stanchfield said that O'Hanlon, who wrote the letter, should be produced.

Following this Connolly submitted a written statement which, he said, was a list of all the work he had done for the city in 1903, 1904 and 1905. In the list the profits were figured out and divided on a basis of 55 per cent. and 45 per cent. This statement had been prepared, Connolly said, for the information of Cohalan by the bookkeeper of the Victor Heating Company, a man named Wylie. The committee adjourned at five o'clock at this point to reconvene at 8 o'clock in the afternoon.

It was plain that Connolly had his story very clearly in his mind. At 8 o'clock and 9 o'clock, after a short recess, the committee resumed its work. Connolly's story was a most remarkable one. He told of being in Cohalan's office when the news came from Washington that Mayor-elect McAdams, then in Congress, had decided to appoint John J. Delany Corporation Counsel.

NOW COHALAN RECEIVED NEWS OF DELANY'S APPOINTMENT.

"The news was telephoned," said Connolly, "to Cohalan by Thomas C. O'Connell, who was also an applicant for the place. Cohalan clenched his fist and smashed the desk, saying: 'I will be Corporation Counsel some day.' Connolly was warned that he must not express judgments or determinations or assumptions. But it was hard to keep his mind on the questions between Cohalan and himself."

Early in his examination Connolly said he had an attack of malaria in the most violent form in the winter of 1905-1906. In February, 1905, he was committed to the Hudson River State Hospital at Poughkeepsie, an insane asylum. He was discharged in August, 1905.

"In the late '90s," Connolly said, "Cohalan, then his friend, had performed some legal services for him. He paid Cohalan \$25 by check. No other money passed between them, he said, until he came to get city contracts in 1904 and 1905."

CONNOLLY LATER IDENTIFIES LETTER-BOOK.

In the beginning of the afternoon session John A. Connolly, a positive fact in the examination, was a letterbook which he had identified with Connolly at the morning session. This is the letterbook from which, Connolly says, he tore out the copy of a letter he wrote to Cohalan in January, 1903, offering him 55 per cent. of the profits on work done by Connolly's Victor Heating Company for the city.

Then the examination of the witness went into the matter of Connolly's charge that Cohalan by reason of his influence in Tammany Hall got for the Victor Heating Company many contracts with the city. His testimony as to how he got into the Department of Water Supply, Gas and Electricity, of which the late John T. Oakley, an east side Tammany leader, was the head, under the first Cohalan administration was as follows:

"I did not subsequently have some talk with Judge Cohalan in regard to the contracts that you were getting and in regard to an attempt to get contracts from other departments? A. Yes; Judge Cohalan, or Mr. Cohalan, rather, at that time, brought up that question in regard to the work done for the Department of Water Supply, Gas and Electricity."

"At about what time? A. Why, I think it was in August, 1904."

TOLD HE MUST PAY 10% EXTRA TO SOMEBODY.

"What did he say to you? A. He said that he could get me work in the Department of Water Supply, Gas and Electricity, but it would be necessary to pay 10 per cent. on the face of the book for consideration of the circumstances. I was in addition to the 55 per cent. of the net profit, and he said to me that it was. I then told him that I did not care to bother about it, and he replied that, from the information he had gathered, there was about \$20,000 worth of work a year in it and that I might as well take it as long as I was looking for work, and it would increase the amount of business that the company was doing. Under these circumstances, I said, I will make an attempt to get it anyway. Cohalan then called up the Department of Water Supply, Gas and Electricity and stated that there was a man coming over and that it would be necessary for me to tell him that things were satisfactory on that head."

"Where did this conversation occur, Mr. Connolly? A. At his office, No. 221 Broadway."

OFFICIAL CHARGES AGAINST COHALAN READ AT HEARING.

Just what the charges against Judge Cohalan were was not made known until shortly before the hearing set for the inquiry to begin. In substance they are:

First—That he agreed with John A. Connolly in 1904 to secure New York City contracts for Connolly in return for 55 per cent. of the profits.

Second—That in 1905 he agreed as part of the settlement of a suit brought by Connolly to recover money paid on the 55 per cent. basis that a false complaint be substituted in the action to the effect that the money in question had been loaned.

Third—That he agreed with Connolly in 1911 to secure a political office for Connolly as consideration for a note for \$4,000; that he agreed with Connolly at the time the note was made to have Connolly make a false affidavit to the effect that there were no offsets or defenses to the note.

Fourth—That he gave for publication an untrue and misleading statement in reply to the Connolly charges.

man came over and Mr. Cohalan introduced me to him. His name was Alfred J. Johnson, and he was, as I understood it at the time, a political office for Connolly as consideration for a note for \$4,000; that he agreed with Connolly at the time the note was made to have Connolly make a false affidavit to the effect that there were no offsets or defenses to the note.

Mr. Stanchfield (interrupting): "No, what was said, Mr. Connolly?"

The witness—Oh, I beg your pardon. Why, Mr. Cohalan introduced me to him and said, "This is the man that will do that work in the department—that repair work on engines and boilers, pumps, etc., and—Mr. Cohalan—"

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three statements which, he said, he submitted to Justice Cohalan, as showing the profile of the latter on city work. This led up to the relation by the witness of the circumstances under which he made payments to Cohalan.

"One time," said Connolly, "I took him to him and laid it on his flat-top desk. He swept it into the drawer and said: 'If you ever bring only such small change as that in again I'll take the work away from you.'"

Connolly then proceeded to tell in detail, out of his memory, of all the payments he made to Cohalan under their profit sharing agreement.

CONNOLLY TELLS HIS STORY WITH EVIDENT RELISH.

Connolly kept in the background during the preliminaries of the hearing, which was called to order shortly before 11 o'clock. When the preliminaries had been disposed of his name was called and he came forward almost eagerly from a far corner of the room. He is a big man with a chin beard and mustache. He is aggressive in manner and went at giving his testimony as though he enjoyed it. His tone was slow and measured and he exasperated counsel for the defense by his discourtesy. He insisted on making observations based on his judgment.

Justice Cohalan glanced occasionally at Connolly while the witness went through his testimony. Connolly seldom faltered. He had told the story many times before, and Deputy Attorney-General Kellogg, who conducted the examination, followed the witness's defense as agreed by Connolly on the records of the Grievance Committee of the Bar Association.

Justice Cohalan's attorneys gave out the answer of the accused jurist, which was a general denial of the charges. He "denies that there is any crime, misdemeanor or offense generally or particularly alleged in the aforesaid charges to which he is or can be bound by law to make answer."

The justice further denies the specific allegations against him and asks that the charges be dismissed.

THESE ARE THE CHARGES MADE AGAINST THE JUSTICE.

The accusation against Judge Cohalan is, in brief, that as a practicing lawyer, by reason of his influence with Tammany Hall, based upon friendship with Charles F. Murphy, he exacted from one John A. Connolly 45 per cent. of the profits from certain contracts made between the various departments of the City of New York and the Victor Heating Company, which was controlled by Connolly.

Involved in the main charge is another charge, which is that Justice Cohalan exacted from his friend, John A. Connolly, a sum of \$4,000 covering a sum aggregating 55 per cent. of the profits on the contracts, and that this note was a repayment by Justice Cohalan to Connolly of some previously paid on the profit agreement. It is further alleged that Justice Cohalan, after promising to Connolly, and failing to deliver, a certain political position in return for the note and an antedated affidavit accompanying the same, made false representations to the public in explanation of the transaction, which covers a period extending back nine or ten years.

HOW THE SCENE IS LAID FOR WITNESSES AND SPECTATORS.

For the purpose of the Cohalan inquiry all the desks used by the members of the Senate have been taken from their places in the chamber and ranged along the walls. In front of the high front of the President of the Senate and the speaker reserved for the clerk, a platform has been constructed on which tables and chairs have been placed for the members of the joint judiciary committee.

The witness chair, a massive seat of oak and leather, mounted on a platform covered with faded red plush, placed at the foot of the table reserved for Justice Cohalan and his counsel, six feet away from the Cohalan table is another for the use of counsel for the Bar Association and a small army of clerks and assistants.

Justice Cohalan and his counsel were in the Senate chamber today ready for the beginning of the proceedings long before any of the Senators and Assemblymen comprising the joint committee had appeared. The defendant Justice was calm and determined as ever, but pale and rather thin as a result of his recent illness.

As usual, John B. Stanchfield was the fashion plate of the morning attire, his costume being the last word in the perfection of proper morning attire.

William Travers Jerome, much to the disappointment of his friends, left at the hotel the cream colored trousers and so conspicuously marked his presence from place to place yesterday and last night. Of course, he was another pair of trousers, but this pair was quiet in tone and harmonized with the rest of his attire.

NO SMOKING EDICT BRINGS FORTH A GROAN.

It was noticeable in the preliminary proceedings that John Quinn, the lawyer who is seldom seen and scarcely ever heard, yet exercises a powerful influence in high places in Tammany Hall, was consulted frequently by the defendant and his counsel.

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WHAT IS CHARGED AS UNTRUE AND MISLEADING.

Exception was taken to the fifth charge, which is that Justice Cohalan made an untrue and misleading statement to the public through the press, on or about June 1, in answer to an explanation of Connolly's charges. This charge, said Mr. Stanchfield, is unfair to Justice Cohalan, in that it is general. He wanted to know for the benefit of the committee in what particular

statements which, he said, he submitted to Justice Cohalan, as showing the profile of the latter on city work. This led up to the relation by the witness of the circumstances under which he made payments to Cohalan.

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Item, or items, Justice Cohalan's statement was untrue and misleading.

W. B. Guthrie of counsel to the Bar Association said that the statement was untrue and misleading, because it conflicted with the findings of the Grievance Committee of the Bar Association. He said that Justice Cohalan did not tell the truth, for instance, when he said in his statement that he had received no commissions from Connolly; that payments made to him by Connolly were fees for legal services; that he never used his influence to get city contracts for Connolly; that he was not prominent in politics in 1904, 1905 and 1906, and that he did not promise to use his influence to get Connolly a political job in April, 1911.

When Connolly gave him a note for \$4,000, Guthrie asserted, were untrue and misleading.

Mr. Stanchfield appeared to be satisfied with Mr. Guthrie's explanation and at once introduced the brief answer of the defense in the shape of a general denial. The taking of testimony began at 11:15 o'clock.

POLITICAL FORTUNE OF MURPHY AFFECTED BY CASE.

Putting a Justice of the Supreme Court on trial is a pretty serious matter. It is especially serious in this instance because of the allegations that Justice Cohalan has been until recently the legal adviser and political guide of Charles F. Murphy, the boss of Tammany Hall. The political fortunes of Mr. Murphy are in a measure tied to the proceeding begun today, because if Justice Cohalan is found guilty of conduct unfitting him for the office he holds Mr. Murphy will have to stand for influencing his appointment to the bench for a short time and procuring his election to the bench for a full term.

The prosecution, which is the proper name for it in this case, is backed by the Bar Association of the City of New York. Justice Cohalan, when asked by the Bar Association to appear and defend the Connolly charge, refused to attend in person or by counsel. Instead he sent to Gov. Elisha a letter asking that the accusations against his integrity be placed before the Legislature, which, he said, was the proper body to take action on the case of the Supreme Court Justice accused of acts not calculated to harmonize with the dignity and importance of his position.

The Bar Association is represented in today's proceedings by William A. Guthrie and Einar Chrystie Justice Cohalan, who came to Albany yesterday to see the law Association and Justice Cohalan have subpoenaed many witnesses. Whether Charles F. Murphy will appear or not is a question. He has not been summoned by the prosecution, but politicians here believe that he will appear in behalf of his friend, Justice Cohalan. Whether Murphy does or does not appear, the proceeding is bound to be interesting to the people of the State of New York.

The State of New York is involved in the integrity of one of the Justices of the Supreme Court and marking the second of the kind, the first, according to Mr. Stanchfield, being the famous case of Justice Hooker.

Everybody connected with the trial was in Albany this morning. Reports that Tammany influence in the Legislature to save Justice Cohalan are no more frequent than reports that the same Tammany influence, to help the municipal election in New York City this fall, is to throw Justice Cohalan overboard. Senator Murtagh, chairman of the joint committee, said:

"This matter is to be decided on its merits as produced by the evidence."

MURPHY EXPECTED TO APPEAR AS COHALAN WITNESS.

Both sides are to have the privilege of cross-examination and the widest latitude in bringing out testimony.

Both the Bar Association and Justice Cohalan have subpoenaed many witnesses. Whether Charles F. Murphy will appear or not is a question. He has not been summoned by the prosecution, but politicians here believe that he will appear in behalf of his friend, Justice Cohalan. Whether Murphy does or does not appear, the proceeding is bound to be interesting to the people of the State of New York.

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